IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO: 8671 of 1995

Dated:22.08.2006

Between:
Sudani Jagadesh Kumar

..... PETITIONER

AND

Commissioner of Collegiate Education,
Nampally, Hyderabad and two others.

.....RESPONDENTS

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

WRIT PETITON NO.8671 OF 1995

-

-

ORAL ORDER:

Heard both sides.

2. This writ petition is filed seeking to issue a writ of Mandamus directing the respondents to regularize the services of the petitioner, pay him the salary and consequently direct the respondents to pay the arrears of salary.

3. In the counter-affidavit filed by the third respondent – the Correspondent, Andhra Jateeya Kalasala,

Machilipatnam, Krishna District, it is stated that the petitioner was initially appointed as part-time Lecturer on 01.09.1988 and was terminated on 31.03.1989. Again, the services of the petitioner were availed from 25.09.1993 to 31.03.1994. Thereafter, the petitioner was never appointed and as such, the petitioner is not in service as of date, in which event, the question of regularizing the services of the petitioner does not arise.

4. Learned counsel for the petitioner contends that the petitioner is in service of the third respondent-Kalasala even as on today.

5. It is pertinent to note that when the counter-affidavit had been filed by the third respondent way back in the year 1995 stating that the services of the petitioner were discontinued with effect from 31.03.1994 itself, no attempt has been made by the petitioner by way of filing reply affidavit refuting the said averment.

6. Hence, I have no reason to disbelieve the submission made by the learned counsel for the third respondent-Kalasala that as of today the petitioner is not in service with the third respondent-Kalasala and consequently the writ petition is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

8. However, it is made clear that if the submission made by the learned counsel appearing for the third respondent-Kalasala that the petitioner is not in service with the third respondent as of today is found to be false and if the petitioner is actually in service as of today, his case may be considered, as prayed for, in accordance with law.

D.S.R.VARMA,
J

22.08.2006
DR